

AMENDED IN SENATE FEBRUARY 7, 2002

SENATE BILL

No. 1230

Introduced by Senator Alpert

January 7, 2002

An act to amend Sections 2260.5, 16004, and 16105 of the Business and Professions Code, and ~~to amend Section 24189 of~~ *to amend Section 24185 of, to add Section 24186 to, and to repeal Section 24189 of,* the Health and Safety Code, relating to human cloning.

LEGISLATIVE COUNSEL'S DIGEST

SB 1230, as amended, Alpert. Human cloning.

Existing law, until January 1, 2003, prohibits a person from cloning a human being, and from purchasing or selling an ovum, zygote, embryo, or fetus for the purpose of cloning a human being, and authorizes the State Department of Health Services to levy administrative penalties for violation of these provisions. Existing law, until January 1, 2003, further provides that violation of this prohibition constitutes unprofessional conduct for purposes of the Medical Practice Act, and requires city business licenses and county business licenses to be revoked for violation of the prohibition.

This bill would ~~extend the operation of these provisions until January 1, 2013~~ *define "human being" for purposes of these provisions, and would prohibit a person from engaging in "human reproductive cloning," as defined. It would also delete the January 1, 2003, repeal dates thereby extending the operation of the above provisions indefinitely.*

The bill, in addition, would require the department to establish an advisory committee, composed of specified representatives, for

purposes of advising the Legislature and the Governor on human cloning and other issues relating to human biotechnology.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 2260.5 of the Business and Professions
2 Code is amended to read:

3 2260.5. ~~(a) A violation of Section 24185 of the Health and~~
4 ~~Safety Code, relating to human cloning, constitutes~~
5 ~~unprofessional conduct.~~

6 ~~(b) This section shall remain in effect only until January 1,~~
7 ~~2013, and as of that date is repealed, unless a later enacted statute,~~
8 ~~that is enacted before January 1, 2013, deletes or extends that date.~~

9 SEC. 2. Section 16004 of the Business and Professions Code
10 is amended to read:

11 16004. ~~(a) Any license issued to a business pursuant to this~~
12 ~~chapter shall be revoked for a violation of Section 24185 of the~~
13 ~~Health and Safety Code, relating to human cloning.~~

14 ~~(b) This section shall remain in effect only until January 1,~~
15 ~~2013, and as of that date is repealed, unless a later enacted statute,~~
16 ~~that is enacted before January 1, 2013, deletes or extends that date.~~

17 SEC. 3. Section 16105 of the Business and Professions Code
18 is amended to read:

19 16105. ~~(a) Any license issued to a business pursuant to this~~
20 ~~chapter shall be revoked for violation of Section 24185 of the~~
21 ~~Health and Safety Code, relating to human cloning.~~

22 ~~(b) This section shall remain in effect only until January 1,~~
23 ~~2013, and as of that date is repealed, unless a later enacted statute,~~
24 ~~that is enacted before January 1, 2013, deletes or extends that date.~~

25 ~~SEC. 4. Section 24189 of the Health and Safety Code is~~
26 ~~amended to read:~~

27 ~~24189. This chapter shall remain in effect only until January~~
28 ~~1, 2013, and as of that date is repealed, unless a later enacted~~
29 ~~statute, that is enacted before January 1, 2013, deletes or extends~~
30 ~~that date.~~

31 ~~SEC. 4. Section 24185 of the Health and Safety Code is~~
32 ~~amended to read:~~

1 24185. (a) No person shall clone a human being *or engage in*
2 *human reproductive cloning*.

3 (b) No person shall purchase or sell an ovum, zygote, embryo,
4 or fetus for the purpose of cloning a human being.

5 (c) For purposes of this ~~section, “clone”~~ *chapter, the following*
6 *definitions apply:*

7 (1) “Clone” means the practice of creating or attempting to
8 create a human being by transferring the nucleus from a human cell
9 from whatever source into a human egg cell from which the
10 nucleus has been removed for the purpose of, or to implant, the
11 resulting product to initiate a pregnancy that could result in the
12 birth of a human being.

13 (2) “Department” *means the State Department of Health*
14 *Services.*

15 (3) “Human being” *means a living being with all the physical*
16 *and mental qualities that make up a person. The department may*
17 *adopt regulations to amend or revise this definition.*

18 (4) “Human reproductive cloning” *means the creation of a*
19 *human fetus that is substantially genetically identical to a*
20 *previously born human being. The department may adopt,*
21 *interpret, and update regulations, as necessary, for purposes of*
22 *more precisely defining the procedures that constitute human*
23 *reproductive cloning.*

24 SEC. 5. Section 24186 is added to the Health and Safety Code,
25 to read:

26 24186. *The department shall establish an advisory committee*
27 *for purposes of advising the Legislature and the Governor on*
28 *human cloning and other issues relating to human biotechnology.*
29 *The committee shall be composed of at least seven members,*
30 *appointed by the Director of Health Services, who shall serve*
31 *without compensation. At least one representative shall be*
32 *included from the areas of medicine, religion, biotechnology,*
33 *genetics, law, bioethics, and from the general public.*

34 SEC. 6. Section 24189 of the Health and Safety Code is
35 repealed.

36 24189. ~~This chapter shall remain in effect only until January~~
37 ~~1, 2003, and as of that date is repealed, unless a later enacted~~

1 statute, that is enacted before January 1, 2003, deletes or extends
2 that date.

O

